

THE SACRIFICE OF ANIMALS IN AFRO-BRAZILIAN RELIGIONS: ANALYSIS OF A RECENT CONTROVERSY IN THE BRAZILIAN STATE OF RIO GRANDE DO SUL

Abstract

The paper analyses a controversy in Rio Grande do Sul, involving the local Afro-religious community, after the State Assembly approved a State Code for the Protection of Animals, which could jeopardize the ritual practice of sacrificing animals in “*terreiros*”. We examine the different standpoints on animal sacrifice in Afro-religious rituals on the part of the main actors and institutions involved, as well as the repercussions of such debates in Brazil and abroad. The controversy is an opportunity for discussing the limits of religious freedom in Brazil

Key words: Afro-Brazilian religions, sacrifice of animals, religious intolerance, religious freedom.

"What led me to form this Commission/Congregation were the attacks on religion, via television, radio and the press, by the Universal Church of the Kingdom of God. The neo-Pentecostal churches have always attacked us a great deal. At the regular meetings held at my house, with the *children of orixás*- children of saints, they complained a lot to me saying that something had to be done. I took part in the Black Conscience Week, where I asked for a Commission to be set up, for despite being the eleventh year that the Black Conscience Week was held, there was no religious movement there. Religiousness stands out in black culture. That is, religions originated in Africa. It was a struggle for me, because there were evangelists involved. I took with me a group of *filhos-de-santo* to support me on the day".

In 2002, but above all in 2003, Mae Norinha de Oxalá held meetings with *pais-de-santo* -fathers of saint and *maes-de-santo* – mothers of saint, followers of the religion and members of the black movement, to decide on the next steps and strategies of action against a determination included in the bill written by State Assemblyman Manoel Maria. Important Afro-religious leaders from Rio Grande do Sul, such as Cleon de Oxalá¹ Pedro da Oxum Docô² and Jorge de Xangô³ also joined the movement, although there were disagreements among them. Meetings to decide on ways of action were carried out at the

terreiros - places of cult worship- of the first two above mentioned *babalorixás* – high Afro-religious leaders.

Once established that the object of the movement was a future State law, the group initially tried to find support in the State Legislature itself, by modifying the second article of the first chapter of the original proposal. This was not difficult to accomplish, and it finally read as follows: "It is forbidden: 1 – to offend or to physically attack animals, subjecting them to any situation capable of causing suffering, injury, or unacceptable living conditions; IV – “not to kill any animal suddenly and painlessly, whose butchery is necessary for consumption.” However, even having been removed from the list of prohibitions the items "religious ceremonies" and "sorcery", the group was not satisfied. As Pai Pedro da Oxum Docô put it, "the intention is good, but the text is dubious and allows for prejudice. How will the judges interpret this law?" (Zero Hora, June 2003). Because of this, throughout 2003 meetings were held in Porto Alegre and in several other towns in Greater Porto Alegre, such as Alvorada, Cachoeirinha, Guaíba, Sao Leopoldo and Esteio, aiming to strengthen the movement. Two important steps were taken: the distribution of an open letter to the community and a move aiming to pass a new bill in the State legislature.

In fact, on 07/01/2003, the CDRAB signed and distributed an incisive "open letter to the community of Rio Grande do Sul State", with the objective of clarifying public opinion on the characteristics of the Afro-religions, and at the same time expressing concern on law N. 11,915, written by member of the State Assembly Mr. Manoel Maria. The letter said that "it only needs one badly intentioned evangelist neighbor to start a persecution using the law and legal processes, which will only cause difficulties to our priests". The letter finishes summoning all "for the holy war to start soon, if disrespect continues".

Mr. Edson Portilho's involvement, a PT -Workers' Party- State Assemblyman, has been fundamental in passing a new law aimed at guaranteeing that sacrificial practices in Afro-Brazilian religions are not subject to the Animal Defense Code.

Mr. Edson Portillo is an African-Brazilian teacher, who is involved in the struggle against racism and religious intolerance⁴. His law, as we have seen, adds to the second article of the aforementioned Code the following safety clause: "Unique Paragraph –this prohibition shall not include the free exercise of the cults and liturgies of religions of African origin".

In justifying the bill, this parliamentarian quoted the Article 5, Paragraph VI, of the Federal Constitution, which assures freedom of conscience and belief and free practice of religious cults⁵, as well as Article 208 of the Penal Code, which considers it a crime against religious sentiment "to impede or perturb religious cult ceremonies or practices". Moreover, he claimed that this constitutional guarantee was being violated because of dubious interpretations of law number 11,915, which instituted the State Code for Animal Protection. The State Assemblyman affirmed that "African Brazilian religious temples are being questioned and litigated by sectors of civil society who by means of their influence and standpoints, use this law improperly to denounce to the authorities practices which, from their point of view, mistreat animals".

The project was approved by almost all the members of the State Assembly. Mr. Manoel Maria, who voted against it, had hoped for an Executive Veto which did not occur. 'No God of good would be happy with the spilt blood of an animal', he affirmed on that occasion.

The demonstrations organized by Afro-religious sectors included the presence of their members in the sessions of the State Legislature, in the Piratini Palace, headquarters of

the State Executive and in the Court of Justice, on the occasion of debates, criticism and judgment of the aforementioned bills. Their presence could not be overlooked, given that they always appeared dressed in the white clothes worn at the *terreiros* and carrying their "guides" and other symbolic objects, they also sang hymns and prayed. Likewise, and always dressed in religious clothes, representatives of Afro-entities and *terreiros* in Rio Grande do Sul met on two occasions at auditoriums in the State Legislature– on 25th of June and the 1st of July, 2003 – to debate the problem. On 07/09/2004, they were welcomed by the President of the Legislative Assembly, where they demanded a public hearing at this institution, so as to debate the subject with Assembly members. Moreover, they managed to hold a hearing with the governor of the State, Mr. Germano Rigotto. Finally on 11/16/2004, they went to the State Court of Justice, previous to the trial of the case brought to justice by the Public Prosecution Service, where they were received by the administrative sub-director of the institution (*Correio do Povo*, 11/17/2004). Always after these official meetings, the members of the Afro-religions of Rio Grande do Sul held marches through the streets of the center of Porto Alegre singing hymns, to the beat of *atabaques*, *agês* (African drums) and the ringing of small bells.

At all these events, besides the representatives of federations⁶, religious personalities and members of the Afro-Brazilian religions, political organizations concerned with defending Afro-descendant minority groups in the State also took part, such as: the Democratic Movement of Afro-descendants and Council for Participation and Development of the Black Community.

The State governor Germano Rigotto sanctioned both the Code for Animal Protection and the law approved by the Assembly, elaborated by Assemblyman Mr. Edson Portilho. Evidently in this latter case, the governor was under direct and indirect pressure from both sides - the Afro-religions and their supporters, be it politicians or not, and from societies defending animal rights and their supporters. Law 282/2003 was sanctioned by the governor with a safety clause prohibiting the sacrifice of endangered species and wild animals, plus determining that sacrificial practices must not involve cruelty in African religious rituals.

Thus, the governor added to the original project the determination that wild animals or those belonging to endangered species should not be immolated in sacrifice, and pointed out what was already stated in the State Code for Protection of Animals, that animals when slaughtered shall not undergo suffering.

As for the first aspect, we are dealing with something quite irrelevant, given that animals destined to ritual sacrifice in Afro-Brazilian religions belong to certain species, which involve neither household pets nor wild animals, although the criteria determining whether animals are "household pets" or "wild"⁷ is something relative. However, there appear to be animals "suitable for sacrifice", as Levi-Strauss sustained, these being species such as goats, sheep, pigs, cattle and chickens. Moreover, there are norms and very clear fundamental ceremonial rites determined by taboos that must be strictly followed, concerning the species and types of animals that may be immolated in sacrifice (Prandi, 1995).

As to the question - does the sacrifice provoke suffering in animals? - answers are varied. Members of the Afro-religions support the claim that this is not the case. For example *babalorixá* Pedro da Oxum Docô affirms that "we do not mistreat the animals nor do we kill dogs. The animals used in the cults are the same as those consumed by the public such as hens, goats and sheep". Assemblyman Mr. Edson Portilho also claims that "there is

no cruelty. What does happen is that these animals are sanctified and venerated then later consumed by the followers themselves or donated to charity groups." (*Jornal Correio do Povo*, 22/07/2004).

Representatives of animal rights groups assure us that the degree of suffering of animals at *terreiros* is substantial. The president of the Association for Protection of Animals, Mr. Airton Marcolino made a statement saying: "I receive widespread complaints from neighbors of the religious temples that carry out these practices, and I've already found several animals still alive, but injured, after the cults". The president of the NGO *União pela Vida (Union for Life)*, Mrs. Maria Elisa Silva, is against Assemblyman Edson Portilho and *pais-de-santo* and *mais-de-santo* who speak of the sanctifying of animals by means of sacrifice. For her, "what they call sanctifying means a slow death. To allow an animal to bleed to death is mistreatment indeed" (*Correio do Povo*, 17/11/2004). Therefore, she suggests that animals should be anesthetized before immolation, but her argument was quickly rebuffed by Afro-religious members.

In addition, on all occasions when the subject of animal sacrifice was in question, in the three powers of the Republic, representatives and members of animal rights groups were present. During the trial held at the Court of Justice, ten representatives of animal rights groups appeared dressed in black and with red borders on their arms. On hearing the final decision of the Court, which favored the constitutionality of the law of sacrifice of animals, Maria Luiza Nunes, president of the *Movimento Gaúcho de Defesa aos Animais (Rio Grande do Sul Animal Rights Movement)*, declared: "the animals are in mourning" (*Zero Hora*, 19/04/2005). Before this event, a group defending animal rights protested for several days with banners in front of the Piratini Palace, asking the state governor to veto the bill introduced by Assemblyman Edson Portilho and passed by the State Legislature on 29/6/2003.

Another personality who joined in the debate, and who defended the sacrifice of animals by the Afro-religious groups in Rio Grande do Sul, was the well known traditionalist and anthropologist Nico Fagundes who ran a weekly column on Saturdays in the Newspaper *Zero Hora*. He joined in the controversy on the subject of sacrifice publishing two articles, the first one on 03/12/2005 and the second on the 19th of the same month. In the article published on the 12th of March, he points out that the sacrifice of animals is recurrent in history and different cultures and that in the *Batuque* case there is a true ritual context. Therefore, he affirms, "to confuse these complex rituals, this elevated genealogy of Gods, with the mere practice of primitive barbarians and to characterize it as cruelty to animals, this itself is an act of ignorant barbarians ...".

In the second article he emphasizes on the one hand, that the sacrificed animals in Afro-religious rituals are neither tortured nor mutilated, and that their slaughter does not involve cruelty, and that the immolation is carried out by a competent and legitimate person who for such an act has received the so called "*axé de facas*"; and on the other hand, he draws attention to the fact that cruelty to animals exists in the cosmetics, pharmaceutical, tobacco and arms industries, where "the only objective of causing suffering to animals is to make money". He rounds up by saying that "an animal dies every two seconds in a Japanese laboratory and every second in an American laboratory". Finally he appeals so that the Afro-religions in Rio Grande do Sul be left in peace, because "they do not bother anybody and must be respected" (*Jornal Zero Hora*, 19/03/2005).

In turn, the press in Rio Grande do Sul does not seem to have taken up any unilateral position and has restricted itself to covering and reporting the facts as they

occurred. The two most important newspapers in Rio Grande do Sul (*Zero Hora* and *Correio do Povo*) published news articles illustrating Afro-religious members dressed in religious clothes and protesting in the streets, in front of Praca da Matriz (Main Square), or in the Porto Alegre *Mercado Público* (Public Market), displaying protest banners against religious intolerance and disrespect to the religion that they follow⁸. After the Court of Justice acknowledged the law on animal sacrifice in religions of African origin, the news article by *Zero Hora* said that on that day the Court had approached a *terreiro*⁹.

Finally, the public in general also voiced their opinion on the controversy surrounding animal sacrifice via Internet. This occurred by means of a virtual survey and by a question that appeared in the newspaper *Zero Hora* on 04/19/2005, at the end of a news article entitled "Court of Justice passes law on animal sacrifice ". The question was: "the Court of Justice acknowledges law allowing animal sacrifice in African religions cults. Was the decision a right one? Give your opinion at zh.clicrbs.com.br ".

Of the 56 visitors to this site registered on 19th and 20th of April, 2005, ten representing 17.8% expressed themselves in favor of the judicial decision, and 46 visitors representing 82.2% were contrary to it. Among those who supported the decision did so for the following reasons:

- "the court was correct in approving this law as each one has his own religion and can worship in a way that does not interfere in the religion of others";
- "I understand that the decision was correct. This is a religious question, one of belief... ";
- "Praiseworthy the decision of the *TJE* (the Court) as Afro-religions followers must have their rights respected...";
- "A wise decision (...) the CF/88 assures the freedom of worship, with the preservation of rites...";
- "This is the religion of this group. Tradition has to be respected ".
- "it seems hypocrisy to me to be against this law, based on the principle that every day we savor on barbecues of animals that are killed in a way that is not less cruel than the rituals of Candomblé...";
- "when it's time to eat a steak or roast chicken, have these animals not been sacrificed too? Have you thought about how they are sacrificed in the slaughter houses of cold storage companies? ".

As we can see, the first five comments argue in favor of the freedom of expression in religions of African origin, where the sacrifice of animals is a ritual practice that is part of tradition and which therefore, must be respected. With this view, the decision of the Court only reinforces what is already determined legally and what must be socially accepted. The last two comments remind us that daily consumed meat is also the result of animal sacrifice, but according to those who commented, in conditions that cause the animals more suffering than occurs at the *terreiros*.

However, comments contrary to the decision did predominate and among those were the following:

- "what has an animal got to do with rituals of religious belief? What belief is that? See an animal suffer, to receive blessings? The government decision is sad ";
- "What's left for us? The Court allowing animal sacrifice. Congratulations to all those who voted against this barbarity... ";
- "I not only consider it a shameful step backwards for Rio Grande do Sul, but for all the nation...";

- "It is disappointing that the court took this position, shameful for all Brazilian people...";
- "We were awaiting a decision of this kind, because in this country we don't even preserve human rights any more, never mind animals";
- "What a beautiful state to live in! We will be known nationally and internationally as 'the Troglodyte State' ";
- "I am infuriated with this decision and disappointed with Brazilian justice...";
- "It is nonsense (...) What sort of 'benign' religion would approve the agonizing death of a defenseless being? They are all monsters";
- "Has any of you seen how they sacrifice these animals? They already reported on T.V. that some of them even sacrifice children...?";
- "It is absurd (...) In a little while they will ask for the approval of human sacrifices in black magic rituals, and the stupid parliamentarians will approve it";
- "It is a disgrace. Soon for the good of "religion", we'll allow the martyrdom of children ".

We can notice initially, the exacerbated aversion felt by the majority of those who commented against the decision taken by the Court: "nonsense", "a disgrace", "a sad decision", "a ridiculous decision", "disappointing", were the terms used to show their indignation.

As for the arguments used, some people reproduce a representation of the Afro-Brazilian religions as archaic beliefs, primitive ones, which "still" practice animal sacrifice. Others evoked the image of Rio Grande do Sul, as a highly literate, politicized, "developed" State, where there would be no more room for such religions and much less, for legal support for "barbarian" religious practices – the sacrifice of animals. The judicial approval is analyzed as proof of the failure of justice in the country. However it reinforces another stereotype present in part of the society in Rio Grande do Sul and Brazil. Finally, associating animal and human sacrifice, some of the comments regard the court decision as dangerous, for once it has legally sanctioned animal sacrifice, such a sanction could indirectly open or reinforce the possibility of child sacrifice. This, as we know, deals with yet another accusation against Afro-Brazilian religions, news on child sacrifice appears from time to time in different regions of the country. Often called "a satanic crime", such news is usually broadcast nationwide by the media provoking some extent of moral panic.¹⁰

We will now see the repercussions that the event which took place in Rio Grande do Sul concerning animal sacrifice, caused in Brazil and abroad.

3. National and international repercussions

In general it can be said that the controversy in question echoed only slightly throughout the rest of Brazil. In the national media, the only news article seems to have been published by the magazine *Época*, in the edition of 16th of August, 2004, entitled "The *gauchos* riddle: Afro-Brazilian religions fight to maintain animal sacrifices". In the report the facts are quickly told as above, and some statements of *pais-de-santo* and *maes-de-santo* and environmentalists are published.

Also, repercussions were weak in the Afro-religious and national Afro-political scene, even though most of the national religious and political associations and

organizations knew what had taken place in Rio Grande do Sul. An important spreading of the news occurred between the 21st and 23rd of November, 2003, in Brasilia, in the National Congress, when Mae Norinha de Oxalá, president of the CDRAB, took part in the first Meeting of Black Parliamentarians of the Americas and the Caribbean, where she made a public speech on the situation facing the Afro-religious community in Rio Grande do Sul due to the approval of the State Code for the Protection of Animals.

It is true that there was some national debate on websites related to religions of African origin, such as www.oxum.com.br; www.xapana.com.br; and www.orixa.org. *Pais-de-santo* and *maes-de-santo* from Porto Alegre also received support via email, from colleagues in São Paulo, Rio de Janeiro and Bahia. However, there does not seem to have been support in the form of concrete action and involvement in the fight taken up by the Afro-religious sector in Rio Grande do Sul. It is true, however, that in the overall legal process they had all counted on important support by Dr. Hédio Silva Junior, a lawyer of INTECAB (National Institute of Tradition and Afro-Brazilian Culture), from São Paulo, and who has wide experience in the struggle against discrimination towards Afro-Brazilian religions in particular, and against racism on a broader scale. Dr. Hédio is currently the Security Secretary for the State of São Paulo, and is considered to be CDRAB's lawyer.

I suggest that the weak support obtained by the Afro-religious *gauchos* in their fight against religious discrimination represented by the legal attempt to ban animal sacrifice, can be associated to the very structure of Afro-Brazilian religions, organized in non-centralized federations and scattered in many *terreiros* throughout the country, which make them at the same time independent and rivals amongst themselves, within small fragile networks of alliances (Prandi, 1991). Up to a point, this autonomy provokes competition and disfavors the union. As we know, not even the daily attacks that this religion has suffered for years by the UCKG throughout the country has been enough to bring them together. This is recognized by their religious leaders. For example at the V Afro-Brazilian Congress, which took place in Salvador, Bahia, between the 17th and 20th of August, 1997, in the Forum which gathered the "*Povo de Santo* – People of Saint", famous *babalorixás* and *ialorixás* (high Afro-religious leaders) from the Bahian capital recognized that they themselves shared part of the blame for the recurrence of attacks by the Universal Church. Statements such as these were delivered on that occasion by Afro-Brazilian leaders: "our lack of union is our Achilles' heel"; "Let us leave our cocoons and get ourselves organized"; "If we do not unite, we will lose".¹¹

Hence, such lack of union and plenty of rivalry can also be an explanation for the weak involvement of Afro-religious and federation leaders from other states in the struggle started by the Afro-religious *gauchos*.

On the other hand, the struggle against the attempt to legally ban animal sacrifice, seen as religious discrimination by the Afro religious groups in Rio Grande do Sul, which has taken place over the last three years, has had little support from other churches or religions, as well as from citizens and associations in general. This once again makes evident the low extent of acknowledgment that Afro-Brazilian religions enjoy in the country. Unlike Catholicism, which got jointly involved for example in the episode known as the "kick the saint" – the "kick" brandished by the Universal Church pastor, Mr. Sergio Von Helder, against the image of Our Lady of Aparecida, on the 12th of October, 1995 – which mobilized the media and countless segments of national society in the condemnation of his gesture and the defense of Catholic belief.

The weak defense of the Afro-religious *gaucho* groups, on the part of individuals and similar congregations in the rest of the country, was noticed by the Argentinean *pai-de-santo* Enrique da Oxum who, in an e-mail sent to the Commission for the Defense of Afro-Brazilian Religions (CDRAB), expressed: "I have been deeply surprised by the little importance that some of our brothers in parts of Brazil have given to this bill, as the same applies to ALL OF US¹², including those of us outside Brazil".

In fact, to a certain degree, the controversy around the sacrifice of animals in Rio Grande do Sul took on an international dimension, mainly in Argentina and Uruguay. This was above all through contacts via Internet which brought to light the support of Uruguayan and Argentinean Afro-religious leaders in favor of the fight taken up by religious members and institutions in Rio Grande do Sul. Some Argentinean and Uruguayan religious leaders offered solidarity to their *gaucho* colleagues, through e-mails. Furthermore, in Uruguay there was a movement in defense of the sacrifice of animals, led by those producing the Afro-religious journal called *Atabaque*¹³ in Montevideo, which in some editions between 2003 and 2004, published information on the situation in Rio Grande do Sul. As well as the evident solidarity in relation to their *gaucho* colleagues in the articles published, there was also certain Uruguayan apprehension that something similar could occur in their country mainly due to the fact that it had been erroneously publicized within Uruguayan religious circles that the Assemblyman who introduced the bill against animal sacrifice in the southernmost Brazilian State was a pastor of the Universal Church. As of year 2000 up to 2003, the Universal Church established itself in Uruguay as an important evangelist church, even though its presence there has dated back since the end of the '80s (Guigou and Rovitto, 2004). Hence, in August of 2003, *the Atabaque* journal summoned all *umbandistas* (followers of the Umbanda religion) to demonstrate in front of Courthouse in the Uruguayan capital, in order to defend their religion against this new and worrying threat. We had a scenario that should have been preventively avoided (Frigerio and Oro, 2005).

Obviously the support offered to their *gaucho religious brothers* from Argentina and Uruguay needs to be understood within a historical context, since to a great extent the expansion of the *batuque* into these two countries came over the borders from Rio Grande do Sul. As I have already shown (Oro, 1999), the relations between members of the Afro-gaicho and Afro-Uruguayan and Argentinean religions, have historically oscillated between alliances and tension, mutual support and opposition. Moreover, relations have been fairly close, depending on the economic and social situation of the countries. After all, such relations have lasted until the present day, either through personal meetings, telephone calls, and above all via Internet.

We will now see that this whole debate which took place in Rio Grande do Sul on the sacrifice of animals within Afro-Brazilian religions, leads us to the question of the *de facto* existence of full religious freedom in Brazil. Let us then have a quick look at the historical process that *legally* constituted religious freedom in our country.

4. Religious freedom in Brazil

As we know, Brazil adopted Catholicism as its official religion up to 1889, the year of the proclamation of the Republic. Therefore during the whole colonial period (1500-1822) and imperial years (1822-1889), Catholicism was the only legally accepted religion, with no freedom of religion in the country. Article 5 of the Imperial Constitution of the

25th of March, 1824, granted by Dom Pedro I, said: "the Roman Catholic Apostolic religion will continue to be the religion of the Empire". During this whole period, there had been an organic dependence of the Church on the State, represented by the *Padroado Régio Português*, which guaranteed the monarch the right "to nominate bishops and to provide the ecclesiastical benefits", as stated in article 102 of the Constitution of 1824.¹⁴ Hence, in accordance with the "*regime do padroado*", the Executive Power was under the obligation to protect the religion of the State (Catholicism), and the members of its hierarchy, bishops and priests, acted as employees of the State receiving payment, which however, according to them was insufficient.

Nonetheless, the same constitution of 1824 made some advances regarding the religious freedom of non-Catholic cults. It stated that nobody could be persecuted for religious reasons, as long as they respected the religion of the State and did not offend public moral. Foreigners who were non-Catholics were allowed to practice their beliefs in their own languages at home, but not in public spaces such as temples (article 5b).¹⁵

With the establishment of the Republic (11/15/1889), the provisory government decreed on the 7th of January, 1890, and the first republican constitution in 1891 officially corroborated, the separation between Church and State, putting an end to the Catholic monopoly, extinguishing the *padroado* regime, secularizing the apparatus of the state, as well as marriage and the cemeteries, and guaranteeing for the first time religious freedom for all cults.

Thus, together with the separation of the Catholic Church from the State, it was stated in the 1891 constitution that "... the institution offers full religious and cult freedom to all individuals and creeds (that) would propitiate during the 20th century, the emergence of an open market in the Brazilian religious field " (Mariano, 2001:141).

According to Giumbelli, however, the Constitution of 1934 damaged the Constitution of 1891 by introducing the principle of "reciprocal contribution" between state and religion (the Catholic Church) (Giumbelli, 2002). Such constitution, says Mariano, is the most Catholic of all, enabling the Catholic Church to make ground in regaining its privileged relation with the State and reaching the status of the "almost official" religion (Mariano, 2001:145).

The 1946 Constitution reaffirmed in its Article 31, II and III, the principles of the separation of State and Church and of the collaboration of the State and the Church towards the common good. The 1967 Constitution in its article 9, II, reiterated the principle of the separation of Church and State, as had been established in the same terms in 1891, 1934, 1937 and 1946, "prohibiting the establishment, subvention or obstruction of religious cults and to maintain relations of dependence or alliance with them" (Scampini, 1978:234).¹⁶ Finally, the 1988 Constitution maintained the regulations in vigor in the previous constitutions concerning the separation of Church - State, but it did so in an indirect way in article 19, paragraph I, which states:

"The Union, the States, the Federal District and the municipalities are forbidden: to establish religious cults or churches, offer them subvention, to obstruct their functioning or to hold relations of dependence or alliance with them and their representatives, safeguarding according to the law, collaboration of public interest ".

The same Constitution also maintained the right to freedom of belief. Article 5, paragraph VIII, states:

"Nobody's rights will be hindered due to religious, philosophical or political beliefs, except if invoking such beliefs to be exempted from legal obligations imposed to all or to oppose to render alternative services, as determined by the law".

As we can see, religious freedom in Brazil has been a historical development, in large measure related to the continual changes that have occurred in the "separation" between the Catholic Church and State.

However, in spite of the legal devices that assure the right to religious freedom, the evangelists constitute a religious group that, according to Mariano, complains about the absence of religious freedom, and at the same time pleads privileges for itself while demanding from the State the suppression of Catholic privileges: "... generally in the form of financial resources, towards charity causes (...), as well as towards Catholic hospitals and universities. " (Mariano, 2001:157).

E. Giumbelli believes it was the Universal Church of the Kingdom of God which reopened the debate on religious freedom in Brazil. On one hand, claiming victimization, it has led protests denouncing restrictions on religious freedom and privileges granted to other religions. On the other hand, opponents, religious members and members of the public, have denounced this church for its "excesses" of religious freedom, given that behind the religious façade several commercial and economic activities are veiled.¹⁷

But in general we tend to forget that perhaps the biggest historical victims of religious intolerance, and denial of their religious freedom, have been and continue to be the Afro-Brazilian religions, which together with *kardecism*, throughout decades, have been the target of persecution, given that their ritual practices were seen as acts of fraud, faith-healing and charlatanism, either on the part of the press and intellectuals, or on the part of the very Catholic church who, during the '50s, launched a battle against religions which believe in and accept mediums or seers.

The struggle on several fronts during the last three years by the Afro-religious and Afro-descendant communities of Rio Grande do Sul, to ensure the practice of animal sacrifice, as we have seen in this text, is further proof that this religion's constitutional right of freedom of expression is not pacifically and socially recognized, even though it is legally assured. This point shows to some extent, the limitations to religious freedom in the country.

Be it as it is today, religious freedom in Brazil does not appear to be a consensual issue among social scientists. For some, freedom is guaranteed and is in full vigor. This is the opinion of Antonio Flávio Pierucci, who sustains "... everything leads us to believe that religious practice and religious organizations in general do not suffer (...) any negative discrimination. On the contrary, they enjoy a frankly privileged legal situation; if there is discrimination, it lies in favor, it is positive discrimination... " (Pierucci, 1996:277). Therefore, for this author, "freedom for religions is what decidedly is not lacking here. It is not lacking anymore. Times have changed, thank God, thank the Gods" (op.cit.:276). And he points out: "for a third world country such as ours, which has only recently resumed democracy, the degree of freedom that the religious cults have is admirable, let us agree on that" (op.cit.:277).

Also Ricardo Mariano affirms that

"... religious freedom, sanctioned by the State, not only accomplished itself fully in the second half of the 20th century, becoming an indisputable and undeniable fact of Brazilian

reality, it is also founded on the roots of pluralism and development of our dynamic religious market "(Mariano, 2001:165).

Alexander B. Fonseca is more cautious: "only during the last years of the 20th century have we seen a situation approaching effective individual freedom for religious choice" (Fonseca, 2002:70). In turn, Giumbelli draws attention to the fact that the debates on "religious freedom" are "amazingly current", be it in countries such as Brazil ("... where apparently they should have no reason to exist") or such as France ("... where they seemed to have solved the problem a long time ago") (Giumbelli, 2002:12). The same author, with whom we agree, expresses a certain "mistrust" concerning "religious freedom" in Brazil, at least in its absolute and concrete form (op.cit.:230).

Conclusion

As we have seen, the debates which took place on the subject of animal sacrifice in Rio Grande do Sul during the last three years, have caused the reaction of different social players and public institutions, even the three powers of the republic, the judiciary power having to put an end to the controversy, at least temporarily, by siding favorably and legally authorizing the sacrifice of animals in rituals of African origin.

During the whole process, what was at stake, was more than just the interdiction of a ritual practice by Afro-Brazilian religions in Rio Grande do Sul. For some, it was a public expression of intolerance and discrimination against religions of African origin, and for others, a struggle for public recognition and social acceptance of their religion. This occurred in a state where, according to *Pai-de-santo* Biba de Yemanjá, vice-president of CEDRAB, there exists the following contradiction, "we have the best quality of life in the country, and are the state with the most politicized people, but we are also the most prejudiced and racist State in Brazil".

Lastly, if all this occurred in Rio Grande do Sul, but not only here, it is because effective religious freedom, accepted socially by all religions, is still a current and controversial issue. This perhaps is due to the fact that the very laicity and secularization of the Brazilian State is still limited. And perhaps it will thus remain, inconclusive and unfinished, as Jose Murilo de Carvalho sustains (1998).

Biography

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Footnotes:

¹ One of the most reputed Afro-gaúcho religious leaders, Joao Cleon Melo Fonseca, follower of the Cabinda tradition, has a *terreiro* larger in size than the average gaúcho *terreiro*, and since the sixties has traveled regularly to celebrate rituals and visit *filhos-de-santo* in Uruguay and Argentina, but also in the U.S.

² . This *pai-de-santo* often appears in the media as well as being responsible for an important *terreiro* in Porto Alegre. He was one of the first ones to start a website on Afro-Brazilian religions in Brazil at the beginning of the nineties, and has appeared daily for the past ten years on the local TV network TV2 on *Programa Palavra de Mulher*, broadcast Monday to Fridays from 4:25pm - 6:25pm.

³ . Jorge Verandi has run the largest Afro-religious federation, AFROBRAS in Rio Grande do Sul for almost twenty years. He is also responsible for an important *terreiro* in Porto Alegre and has *filhos-de-santo* in several countries, especially Argentina and Uruguay.

⁴ . This 44 year old State Assemblyman is from Sapucaia do Sul and is a Mathematics teacher for State public schools. He has been a member of the PT – the Workers’ Party- since 1985. He was a city counselor in the city where he was born and a militant in the CPERS Union (State schools teachers’ and workers’ union in Rio Grande do Sul,) and at MNU (United Black Movement.) In 2002 he was re-elected State Assemblyman for the PT with more than 37,000 votes.

⁵ . Article 5, clause VI of the Federal Constitution states: “Freedom of conscience and belief are protected by law, and assurance is given to the free practice of religious cults, guaranteeing the protection of places of cult, worship and prayer, under the law.”

⁶ . For example: the Association of *Umbandistas* of Rio Grande do Sul, the Congregation for Defense of Afro-Brazilian religions, AFROBRAS.

7. In his work on sacrifice in African religions, Luc de Heusch tells of the existence in some African societies, in very particular circumstances, of the sacrificial immolation of both domestic and wild animals (Luc de Heusch, 1986.)
8. For example, the newspaper *Correio do Povo* published articles on the subject on the following dates: 09/06/2004; 17/11/2004; 19/03/2005; 19/04/2005. In turn, reports could be found on the same subject in the periodical *Zero Hora* on the following dates: 08/03/2005; 19/04/2005.
9. In fact in the newspaper *Zero Hora* of 19/04/2005, pp 32 it reads: “The commemoration by around a hundred Afro-religious followers dressed in their traditional white clothes, brought the court closer to the *terreiros*. Hymns were sung, prayers offered up in a circle and a form of thanksgiving to the *orixas* blocked access to the courtroom for several minutes.”
10. For an analysis of one of these phenomena, which took place in Parana state in 1992, where a boy of six was supposedly sacrificed by a *pai-de-santo* during a “black magic” ritual, see Frigerio and Oro, 1998.
11. It is worth remembering however, that internal competition is not allowed in the Afro-Brazilian religious world.
12. In capital letters in the original.
13. This is a monthly periodical of around sixteen pages, founded in 1998 by *pai-de-santo* Julio (Kronberg) de Omolu and *mae-de-santo* Susana (Andrade) da Oxum. Both are also founders of the Afro-Umbanda Federated Institute of Uruguay, which consists of around two hundred temples.
14. The Portuguese *Padroado Regio* institution was reformed in the fifteenth century, via successive papal seals and agreements with the Portuguese monarch, which represented the union between “throne and altar” in the political sphere, between “sword and the cross” on the military field and between “state and missionary work” in the combat against populations considered “pagan.”
15. This constitutional rule states: “All other religions will be permitted including their domestic private cults, in houses destined for these purposes, even without any exterior signs of temple.”
16. The article says: “The Union, States, Federal District and Municipalities are forbidden: to establish religious cults or churches, subvention them, to obstruct their functioning or to hold relations of dependence or alliance with them or their representatives, safeguarding, according to the law, collaboration for public interest.
17. For a historical, organizational, and economic analysis of the Universal Church of the Kingdom of God, and regarding its theological stand, insertion into politics and others, see Oro, Corten and Dozon, 2003.

Translated by Enrique Julio Romera

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